

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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The Minutes

May 16, 2005

At 9:30 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Scotland, Presiding Justice; Sims, Associate Justice; Raye, Associate Justice; and Facey, bailiff.

C045691 BEYER et al. v. TAHOE SANDS RESORT

Cause called. Michael T. Fogarty argued for appellant Beyer and Jay-Allen Eisen appeared only for appellant Ghandour. Robert F. Sinclair argued for respondent. Cause submitted.

At 10:06 a.m., the court recessed. At 10:09 a.m., the court reconvened with Sims, Associate Justice; Davis, Associate Justice; and Raye, Associate Justice.

C045891 THE PEOPLE v. SMITH

Cause called. Philip M. Brooks, court appointed counsel, argued for appellant. Jamie A. Scheidegger, Deputy Attorney General, argued for respondent. Cause called.

At 10:34 a.m., the court recessed. At 10:36 a.m., the court reconvened with Blease, Associate Justice; Nicholson, Associate Justice; and Cantil-Sakauye, Associate Justice.

C046154 THE PEOPLE v. CHAMBERS

Cause called. Gregory L. Cannon, court appointed counsel, argued for appellant. Peter H. Smith, Deputy Attorney General, argued for respondent. Cause submitted.

At 10:45 a.m., the court recessed. At 10:51 a.m., the court reconvened with Sims, Associate Justice; Nicholson, Associate Justice and Morrison, Associate Justice.

C046809 BERG v. DAVI as Real Estate Commissioner, etc.

Cause called. Robert Rudolph argued for appellant. Amy J. Winn, Deputy Attorney General, argued for respondent. Cause submitted.

At 11:03 a.m., the court recessed. At 11:06 a.m., the court reconvened with Morrison, Associate Justice and Robie, Associate Justice.

C046539 PYLE JR. v. HIEBERT

Cause called. Due to the absence of Associate Justice Hull from the court, the matter is to be continued.

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May 16, 2005, continued

At 11:07 a.m., the court recessed. At 2:00 p.m., the court reconvened with Blease, Associate Justice; Nicholson, Associate Justice; and Cantil-Sakauye, Associate Justice.

C046564 THE PEOPLE v. JOHANNESSEN

Cause called. Rudolph Kraft, court appointed counsel, argued for appellant. Robert K. Gezi, Deputy Attorney General, argued for respondent. Cause submitted.

At 2:25 p.m., the court recessed. At 2:28 p.m., the court reconvened with Sims, Associate Justice; Davis, Associate Justice; and Morrison, Associate Justice.

**C047084 MAMMOTH CREEK HOMEOWNER'S ASSOCIATION et al. v. RAU
C047736 MAMMOTH CREEK HOMEOWNER'S ASSOCIATION et al. v. RAU**

Cause called. David D. Werner argued for appellant. Richard W. Liebersbach argued for respondents. Cause submitted.

At 2:59 p.m., the court recessed. At 3:02 p.m., the court reconvened with Raye, Associate Justice; Morrison, Associate Justice; and Butz, Associate Justice.

C046413 HILL v. TAHOE-TRUCKEE SANITATION AGENCY, et al.

Cause called. Robert V. Cohune argued for appellant. Joseph E. Wiley argued and Joan Pugh Newman appeared only for respondents. Cause submitted.

At 3:23 p.m., the court recessed until 9:30 a.m., Tuesday, May 17, 2005.

**C043678 THE PEOPLE v. PRICE
BY THE COURT:**

Appellant's petition for rehearing is denied.
DAVIS, Acting P.J.

May 17, 2005

At 9:31 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Scotland, Presiding Justice; Blease, Associate Justice; Cantil-Sakauye, Associate Justice; and Rios, bailiff.

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May 17, 2005, continued

C047669 DERLANTISS et al. v. HERITAGE CONVALESCENT HOSPITAL, INC.

Cause called. Michael H. LeVangie argued and submitted additional citations for appellant. Stephanie J. Finelli argued and submitted additional citations for respondents. Cause submitted.

At 10:01 a.m., the court recessed. At 10:03 a.m., the court reconvened with Blease, Associate Justice; Sims, Associate Justice and Hull, Associate Justice.

C046683 MADRID v. PEROT SYSTEMS CORPORATION et al.

Cause called. Daniel J. Koes argued for appellant. Stephen A. Kroft argued for respondent Perot. C. Brandon Wisoff argued for respondent CA Independent. Anne-Marie Waggoner argued for respondent Winter. Colin L. Pearce argued for respondent Gribik. Cause submitted.

At 10: 35 a.m., the court recessed. At 10:39 a.m., the court reconvened with Raye, Associate Justice; Robie, Associate Justice; and Butz, Associate Justice.

C045745 BLANTON v. STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY

Cause called. Joseph M. Early argued for appellant. Mark G. Bonino argued and Brian R. Davis appeared only for respondent. Cause submitted.

C047356 PICKERN v. BEST WESTERN TIMBER COVE LODGE & MARINA RESORT et al.

Cause called. Thomas E. Frankovich argued for appellant. Catherine M. Corfee argued for respondents. Cause submitted

At 11:49 a.m., the court recessed. At 2:01 p.m., the court reconvened with Blease, Associate Justice; Sims, Associate Justice; and Hull, Associate Justice.

C045744 MULLEN et al. v. TAYLOR

Cause called. Lynne G. Stocker argued for appellants. Charity Kenyon argued for respondents. Cause submitted.

At 2:13 p.m. the court recessed. At 2:17 p.m., the court reconvened with Raye, Associate Justice; Robie, Associate Justice; and Butz, Associate Justice.

C045951 ABBOTT a Minor etc. et al. v. UNION PACIFIC RAILROAD COMPANY

Cause called. Michael Cogan argued for appellants. Joseph P. Mascovich argued for respondent. Cause submitted.

At 2:40 p.m., the court recessed until 9:30 a.m., Friday, May 20, 2005.

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May 17, 2005, continued

C048454 **In re MANUEL V. et al.; YOLO COUNTY DEPARTMENT OF EMPLOYMENT
AND SOCIAL SERVICES v. MANUEL V., III**
BY THE COURT:
Appellant's petition for rehearing is denied.
BLEASE, Acting P.J.

May 18, 2005

C044075 **THE PEOPLE v. DUTRA** **(Not for Publication)**

Within 20 days of the filing of this opinion, the People may file a written request for modification of the sentence on voluntary manslaughter to the midterm of six years. Such a request shall not affect any then pending application for a rehearing. Should such a request be filed, the remittitur will affirm the judgment as so modified and direct the trial court to prepare and forward to the Department of Corrections a new abstract of judgment. Otherwise, the remittitur will affirm the convictions and order a remand for a sentencing trial.

MORRISON, J.

We Concur: Blease, Acting P.J.
 Raye, J.

C046153 COUNTRY EGGS, INC. v. KAWAMURA et al.
(CERTIFIED FOR PUBLICATION)

The opinion in the above entitled matter filed on April 25, 2005, was not certified for publication in the Official Reports. For good cause it now appears that the opinion should be published in the Official Reports and it is so ordered.

BLEASE, Acting P.J.
HULL, J.
BUTZ, J.

May 19, 2005

C047948 **In re JORDAN W.; BUTTE COUNTY CHILDREN'S SERVICES DIVISION v.**
LAURIE W. and ROSE ANN B. (Not for Publication)
The orders of the juvenile court are affirmed.
SCOTLAND, P.J.
We Concur: Nicholson, J.
 Morrison, J.

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We Concur: Scotland, P.J.
Nicholson, J.

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May 20, 2005, continued

- C044863 THE PEOPLE v. RODRIGUEZ (Not for Publication)**
The judgment is affirmed.
DAVIS, J.
We Concur: Scotland, P.J.
Nicholson, J.
- C045125 THE PEOPLE v. REDDICK (Not for Publication)**
The judgment is affirmed.
Butz, J.
I concur: Cantil-Sakauye, J.
I concur on the ground the instructional error was harmless beyond a reasonable doubt:
Sims, Acting P.J.
- C046378 THE PEOPLE v. MYERS (Not for Publication)**
The trial court is directed to amend the abstract of judgment... In all other respects, the judgment is affirmed.
CANTIL-SAKAUYE, J.
We Concur: Blease, Acting P.J.
Nicholson, J.
- C046558 THE PEOPLE v. VOTH (Not for Publication)**
The trial court is directed to amend the abstract of judgment... As modified, the judgment is affirmed. The court is further directed to forward a certified copy of the amended abstract to the Department of Corrections.
MORRISON, J.
We Concur: Raye, Acting P.J.
Hull, J.
- C047616 THE PEOPLE v. RAMSEY (Not for Publication)**
The judgment is affirmed.
BUTZ, J.
We Concur: Blease, Acting P.J.
Robie, J.
- C047856 THE PEOPLE v. McBRIDE (Not for Publication)**
The judgment (order of probation) is affirmed.
HULL, J.
We Concur: Sims, Acting P.J.
Raye, J.

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May 20, 2005, continued

**C046793 NAGLE, as Trustee etc., et al. v. SUNSHINE ENTERPRISES, INC. et al.
(Not for Publication)**

The judgment in favor of defendant Sunshine Enterprises, Inc., is reversed and the matter remanded with directions... No party shall recover costs of appeal.

We Concur: DAVIS, J.
 SIMS, Acting P.J.
 Raye, J.